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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Jannis Stavrianopoulos, et al.

Serial No.: 10/763,088

Filed: January 22, 2004

Title: LABELING REAGENTS AND LABELED  
TARGETS COMPRISING NONMETALLIC  
PORPHYRINS

Group Art Unit: 1634

Examiner: Not Yet Known

527 Madison Avenue, 9<sup>th</sup> Floor  
New York, New York 10022  
July 25, 2005

**FILED BY EXPRESS MAIL**

Commissioner for Patents

P.O. Box 1450

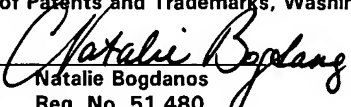
Alexandria, Virginia 22313-1450

Attn: Mail Stop Petition

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE AN UNINTENTIONALLY  
ABANDONED APPLICATION**

Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive this U.S. Patent Application, Serial No. 10/763,088 (the "088 application") on the grounds of unintentional delay.

EXPRESS MAIL CERTIFICATE	
"Express Mail" Label No.: <b>EV655204852US</b>	
Deposit Date:	<u>July 25, 2005</u>
I hereby certify that this paper and the attachments herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington DC 20231.	
 Natalie Bogdanos Reg. No. 51,480	<u>7/25/05</u> Date

07/27/2005 MAHMED1 00000042 051135 10763088

01 FC:2453 750 00 00  
ENZ-61(D5)

This '088 application became unintentionally abandoned after October 11, 2004, which was the date that a response was due to the August 11, 2004 Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures – Filing Date Granted ("the Notice"). A copy of the Notice of Abandonment, which was mailed on May 12, 2005, is attached herein as Exhibit 1.

Accompanying this Petition is a response in the form of a Reply (Exhibit 2) to the August 11, 2004 Notice consisting of an Amendment directing the entry into the '088 application of a Sequence Listing, including the compliant computer readable form thereof, from a related application - U.S. Patent Application No. 10/096,075.

It is hereby requested that this '088 application be revived because the delay in taking action was unintentional as was the entire delay in filing the required reply from the time that the reply was originally due until the filing of this petition.

The fee for filing a Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b) is \$750.00. The United States Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite fee of \$750.00 for a small entity. No other fee is believed due in connection with this extension request. If any other fee or fees are due, however, authorization is hereby made to charge the amount of any such other fee(s) to Deposit Account No. 05-1135 or to charge any overpayment thereto. A duplicate copy of this Petition but without the accompanying exhibits is also submitted herewith.

Jannis Stavrianopoulos, et al.

Serial No. 10/763,088

Filed: January 22, 2004

Page 3 (Petition Under 37 C.F.R. §1.137(b) To Revive An Unintentionally  
Abandoned Application – July 25, 2005)

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Natalie Bogdanos". The signature is fluid and cursive, with the first name "Natalie" being more prominent than the last name "Bogdanos".

Natalie Bogdanos

Registration No. 51,480

Attorney for Applicants

ENZO LIFE SCIENCES, INC.

f/k/a Enzo Diagnostics, Inc.

c/o Enzo Biochem, Inc.

527 Madison Avenue, 9<sup>th</sup> Floor

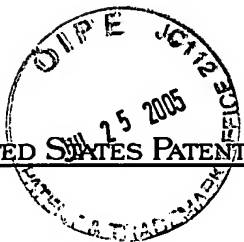
New York, New York 10022

Tel.: (212) 583-0100; Fax.: (212) 583-0150

al\uspros\Enz61(D5).PetitiontoRevive.072505



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/763,088	01/22/2004	Jannis G. Stavrianopoulos	Enz-61(D5)

Ronald C. Fedus, Esq.  
Enzo Life Sciences, Inc.  
c/o Enzo Biochem, Inc.  
527 Madison Avenue (9th Floor)  
New York, NY 10022-4304

CONFIRMATION NO. 6065

**ABANDONMENT/TERMINATION  
LETTER**



\*OC000000016009329\*

Date Mailed: 05/12/2005

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/11/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

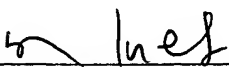
Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-

identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

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*A copy of this notice MUST be returned with the reply.*



Office of Initial Patent Examination (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE